SPEECH

OF

J. W. RICHARDSON,

OF RUTHERFORD COUNTY,

Upon the Bell Resolutions,

IN THE HOUSE OF REPRESENTATIVES,

February 8, 1858.

The House having under consideration the following preamble and resolution from the Senate, viz.:

"WHEREAS, The act of 1820, commonly called the Missouri Compromise act, was inconsistent with the principles declared and laid down in the acts of 1850, better known as the Compromise Acts of that year; and Whereas, The Missouri Compromise act was a palpable wrong done to the people of the Slave-holding States, and should have been repealed; and Whereas, The principles of the Kansas Nebraska Bill meet our unqualified approbation, and should have received the cordial support of our Senators and Representatives in Congress;

WHEREAS, One of those Senators, the Hon. John Bell, in a speech delivered against the Kansas-Nebraska Bill, May 25, 1854, said: "A noble, generous, and highminded Senator from the South, within the last few days, before the final vote was taken on the bill, appealed to me in a manner which I cannot narrate, and which affected me most deeply. The recollection of it affects me and influences my feelings now, and ever will. I told that honorable Senator that there was one feature in the bill which made it impossible that I should vote for it, if I waived all other objections. I said to others who had made appeals to me on the subject, that while it would afford me great pleasure to be sustained by my constituents, yet, if I was not, I would resign my seat here the moment I found my course upon the subject was not acceptable to them. As for my standing as a public man, and whatever prospects a public man of long service in the councils of the country might be supposed to have, I would resign them all with pleasure. I told that gentleman that, if upon this or any other great question affecting the interest of the South I should find my views conflicting materially with what should appear to be the settled sentiment of that section, I should feel it my imperative duty to retire. I declare here to-day that if my countrymen of Tennessee shall declare against my course on this subject, and that shall be ascertained to a reasonable certainty, I will not be seen in the Senate a day afterwards."

Therefore, Be it resolved by the General Assembly of the State of Tennessee, That we fully concur with the Hon. John Bell, as to the duty of a Senator, when the voice of his constituency has declared against him on a question materially affecting their interest.

Be it further resolved, That in our opinion the voice of Mr. Bell's countrymen of Tennessee, in the recent election, declared against his course on the Kansas-Nebraska Bill, a qestion of vital importance to the South."

Mr. Richardson said:—Mr. Speaker: If the House will indulge me a short time, I propose to make a few remarks on this subject, and in answer to some of the strange positions which have been taken by my Democratic friends in this debate.

I shall pursue a different course from any heretofore taken on this subject, and will start out with the assertion that the Compromise of 1850 was acquiesced in, and endorsed by all the Union men every where in the South. Does any Democrat on the floor deny this? If there beone, let him speak, because *this* declaration is my starting point, and I take it as agreed to by all of you. (No one objected.)

Let us now see what *was* the compromise of 1850, and what principles did it establish.

The Compromise of 1850 included six measures, in five Acts, viz:

An act making certain propositions to Texas; and establishing a territorial government for New Mexico; an act to establish territorial government for Utah; an act for the admission of California into the Union; an act for the capture of fugitive slaves; and an act to abolish the slave trade in the District of Columbia.

Among other things this Compromise of 1850 settled, or thought it had settled:

1st. The slavery controversy, by leaving the question to the people of the Territories, to be by them settled, in their *State* Constitutions.

2d. It declared the principle of non-intervention, which was, that Congress would not legislate on the subject of slavery, by establishing or prohibiting it in the territories, nor permit the territorial Legislatures to do so.

3d. It required all the acts of the territorial Legislatures to be submitted to the Congress of the United States, and to be approved, or they should not become *laws*.

4th. It refused to disturb the Missouri Compromise line of 1820, commonly called the line of 36° 30′.

5th. It restricted the right of suffrage in the territories of Utah and New Mexico to citizens of the United States, and to those recognized as citizens by the treaty made between the United States and Mexico.

It is all important in this discussion, in order to have clear and distinct views of the points in issue, that they be presented fairly and truthfully, and so distinctly presented that every man may see them and understand them.

That there may be no quibbling nor shuffling in this matter, I shall now proceed to prove the propositions which have been laid down, and request my democratic friends to note them.

In proof of the first and second propositions, see the territorial act for New Mexico, Sec. 2, p. 447, Minots' edition of Statutes at large, 1849-50, and closing the section, you will read, "*And provided further*, That when admitted as a State the said territory, or any portion of the same, shall be received into the Union with or without slavery as their constitution may prescribe at the time of their admission." At page 453, idem, Sec 1, you will find the same provision in the territorial act for Utah. Mind you now, Congress refused to establish or prohibit slavery in New Mexico and Utah, and prohibited any act by the territorial Legislatures on the subject, confining it entirely to the *State* Constitution.

In proof of the third proposition, see same book, p. 449, sec. 7, for New Mexico; and p. 455, sec. 6, for Utah, and you will read, "That all the laws passed by the Legislative Assembly (of New Mexico and Utah) and the Governor, shall be submitted to the Congress of the United States, and if disapproved, shall be null and of no effect."

In proof of the fourth proposition, I give you what Mr. Douglas himself said in his report which he made to the Senate on the 4th of Jan., 1854, when he offered his Nebraska-Kansas Bill. In this report, after alluding to the Missouri Compromise of 1820, and the views of different statesmen on the subject of holding slaves in the territories, and by what power it may be done, Mr. Douglas, Chairman of the Committe on Territories, said as above cited: "Your committee do not feel themselves called upon to enter into the discussion of these controverted questions. They involve the same grave issues which produced the agitation, the sectional strife, and the fearful struggle of 1850. As Congress deemed it wise and prudent to refrain from deciding the matters in controversy then, either by affirming or repealing the Mexican laws, or by an act declaratory of the true intent of the Constitution, and the extent of the protection afford by it to slave property in the territories, so your committee are not prepared now to recommend a departure from the course pursued on that memorable occasion, either by affirming or repealing the 8th section of the Missouri act, (the line of 36° 30′) or by any act declaratory of the meaning of the constitution in respect to the legal points in dispute.

"Your committee deem it fortunate for the peace of the country and the security of the Union, that the controversy then resulted (in 1850) in the adoption of the compromise measures which the two great political parties, with singular unanimity, have affirmed as a cardinal article of their faith, and proclaimed to the world as a final settlement of the controversy and an end of the agitation. A due respect, therefore, for the avowed opinions of Senators, as well as a proper sense of patriotic duty, enjoins upon your committee the propriety and necessity of a strict adherence to the principles, and even a literal adoption of the enactments of that adjustment in all their territorial bills so far as the same are not locally inapplicable."

I wish now to direct the attention of the House to another thing as proof of my fourth proposition, which will not only prove that the compromise of 1850, did not repeal the Missouri restriction, or compromise of 1820, but that it re-affirmed and re-endorsed this restriction. If you will read the 5th article of the 1st section of the act proposing certain conditions to Texas, (one of the compromise acts of 1850) you will find that Mr. Mason, of Va., offered the following proviso, which was adopted and is now a part of the act—"*Provided*, That nothing herein contained shall be construed to impair or qualify anything contained in the 3d article of the 2d section of the joint resolution for annexing Texas to the United States, approved March 1st, 1845, either as regards the number of the States that may be hereafter formed out of the State of Texas, *or otherwise*."

What is the 3d article of the 2d section of the joint resolution for annexing Texas? Why it reads in this wise—"In such State or States as may be formed out of the territory (of Texas) north of the Missouri Compromise line (36 30) slavery shall be forever prohibited." Well then, Mr. Mason did not understand that the compromise of 1850 repealed the compromise of 1820, for he, himself, in his proviso to the Texas Bill of 1850, re-affirmed and re-endorsed the restriction lien of 36 30, or the Missouri Compromise of 1820.

Mark now, that Douglas says that the Compromise of 1850 neither affirmed nor repealed the Compromise of 1820—and that the committee had determined to pursue the same course in reference

to Nebraska and Kansas, and had also determined to adopt the same principle in these bills, which the Compromise of 1850 had engrafted in the bills for New Mexico and Utah. Did Douglass and his committee do these things? We shall see.

In proof of the 5th proposition, see Little and Brown's statutes, page 449, section 6, and page 454, section 5, and you will find in the territorial acts for New Mexico and Utah, the following provision: "*Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, including those recognized as citizens by the treaty with the Republic of Mexico, concluded February 2d, 1848."

I have now established all five of my propositions, and placed their denial beyond a controversy. No man can deny them—no man dare deny them, for the proof has been adduced to establish them in every particular.

Let me now, Mr. Speaker, briefly recapitulate my positions, which I have proved:

The Compromise of 1850 left the subject of slavery to be settled by the people in their State Constitutions.

It declared that Congress would not legislate on the subject for the territories, nor recognize the power of the territorial legislatures to do so, thereby establishing truly the doctrine of non-intervention.

It required the acts of the Territorial Legislatures, on every subject, to be submitted to the Congress of the United States, and to be by it approved, or they should be null and void. It refused to repeal the Missouri Compromise of 1820.

It restricted the right of voting in the territories to citizens of the United States, or to those recognized as citizens by treaty stipulations.

I now come to the Nebraska Kansas Act, and I say that it violated the territorial provisions of New Mexico and Utah, and thereby violated a part of the Compromise of 1850.

1st. The Nebraska-Kansas act violated the Compromise of 1850, by permitting the Territoral Legislature to legislate on the subject of slavery. The 32d section of the Nebraska-Kansas act declares that "it is the true intent and meaning of the act not to legislate slavery (by Congress) into any State or Territory, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States."

Mr. Cass took the ground and openly declared that slavery was included in the "domestic institutions," and in his exposition and explanation of the Nicholson letter, he said: "Is there one man on this floor (United States Senate) who has now any doubt as to the true interpretation of the letter? Now, that the excitement of an election has passed away, and we can all look coolly to things as they are, is there any man here, or elsewhere, who can put any other construction upon this letter than that which its words plainly import, that, in the meantime, during the *pendency* of the *territorial* governments, they should be allowed to manage their own concerns in their own way? Does not slavery come within this category?" So spoke Gen. Cass. The Kansas act not only repealed the compromise of 1820, of which I shall speak after a while, but it actually repealed all the laws establishing or prohibiting slavery in the Territory, *prior* to the Missouri Compromise. Now, it must be recollected that slavery existed in the Louisiana Territory, (and Kansas is a part of the Territory) prior to the Missouri restriction of 1820, and the Missouri restriction being unconstitutional, as my Democratic friends assert, and as the friends of the Kansas act asserted at its passage, and as the Supreme Court has decided, if the Congress of the United States had not in the Kansas act repealed the laws establishing slavery in the Territory, *prior* to the passage of the Missouri Compromise, would not slavery have existed in the Territory of Kansas by virtue of the *lex loci*, or law of the land? Most assuredly it would, and Kansas would be a slave Territory. But the Kansas act repealed the *lex loci* which existed and tolerated slavery in the Territory as a part of the Lousiana purchase, and gave to the *territorial* Legislature the power to pass enactments on the subject—the power to prohibit or interdict slavery if they chose to do so.

In this, the supporters of the Kansas act violated the doctrine of "*non*-intervention."

During the pendency of the Compromise bills of 1850, the celebrated letter of Gen. Cass to Mr. Nicholson, and every other subject almost, connected with the powers of Congress over the Territories, and with the powers of Territorial Legislators themselves, were discussed in Congress, and the records show some strange things.

The Democrats on this floor, and in this debate, have again and again asserted that their party advocated the doctrine of *non-intervention*, and *one* of them announced that Mr. Bell had never committed himself, to his knowledge, to the principle of non-intervention. Let us see if this is correct. I guess, Mr. Speaker, that gentleman will hear a strange report when I read the record, and that they will find some of their leaders in strange company. If you will refer to the Congressional Globe you will find that Mr. Berrien offered an amendment to the Territorial Bill in these words, viz: "But no law shall be passed interfering with the primary disposal of the soil, nor establishing, or prohibiting African slavery." Here now, is the true doctrine—true non-intervention. How was the vote? In the affirmative, or for the amendment, I find the names of Mr. Bell, Mr. Clay, and also the name of Mr. Webster. In the negative, or *against* the amendment, I find the names of Cass and Douglas, Democratic leaders, and the high priests of the party, associated with Chase, Seward and Hale, who are denounced as Black Republicans. What think you of this? Here, the question of non-intervention is fairly and plainly proposed—Mr. Bell votes for it, and Messrs. Cass and Douglas vote against it! If then, your leaders at the North are the advocates of non-intervention, why did they not vote for this amendment?

The Kansas act established the doctrine of "Territorial Sovereignty," called by the Democrats, *popular sovereignty*, and nick-named "squatter sovereignty."

This new doctrine, territorial sovereignty, was first promulged by Gen. Cass in his letter to Mr. Nicholson in 1848, and I recollect very well and that during the Presidential canvass of that year, one of the leaders of the Democratic party in this state

made a speech in my county town, and as the whigs had no champion present to reply to him, it fell to my lot, by the calls of my friends, to reply myself. I felt ill prepared to reply to the speech of of such an able debater and distinguished a politician, and took the stand with fear and trembling. I thought and believed that I could build up a speech in reply, on this celebrated letter and made it the principal part of my argument. I read the letter and declared to the assembly that the principle of Territorial sovereignty was embodied in it and that under its operation not another slave state would ever be added to the Union. The distinguished speaker replied after I had concluded my remarks, and charged me with misrepresenting Gen. Cass, and that no such principle could be fairly deduced from the letter. In that canvass, the Whigs every where in this country made the same charge which I did, and every where the Democrats denied it, and charged us with misrepresenting Gen. Cass, and asserted that he held no such doctrine, nor did any such principle exist in the Nicholson letter. It turned out, however, that during the next Congress, Mr. Cass himself was called on to explain what he *did* mean by this mysterious announcement, and after he had made the explanation, which was precisely as we had explained it, a distinguished Senator called on him to know where the people of a Territory got this power from? Mr. Cass answered, "from God Almighty, where we get all our power."

Mr. Speaker, was not this a strange answer to be given by a man—by a statesman who acknowledges the Constitution of the U. S. States, to be our highest political law! But sir, the answer certainly places the gentleman in the class of some Northern Senators who contend for, and advocate, "a higher law."

Some rich things transpired during the debate in Congress on this principle of territorial sovereignty —the power of a territorial Legislature to legislate as they pleased. I want to read you the remarks of some Southern gentlemen and of some also from the North on this new doctrine which was first announced by Mr. Cass — afterwards adopted by Mr. Douglass, and incorporated in the Kansas act; and also the views of some distinguished Senators as to the powers of a *territorial* Legislature. I will first read you what Mr. Jeff. Davis said, "The Senator from Illinois (Mr. Douglas) says that the inhabitants of a territory have a right to decide what their institutions shall be. When? By what authority?—How many of them? Does the Senator tell me as he did once before, from the authority of God?—Then, one man may go into a territory and establish the fundamental law for all time to come. I claim that a people having sovereignty over a territory have power to decide what their institutions shall be. That is the democratic doctrine, as I have always understood it; and under our constitution, the inhabitants of the territories acquire that right whenever the United States surrenders the sovereignty to them by consenting that they shall become States of the Union, and they have no such right before. It is not the inhabitants of the territory, but the people as a political body, the people organized, who have the right; and on becoming a State, by the authority of the United States, exercising sovereignty over the territory, they may establish a fundamental law for all time to come." This, Mr. Speaker, is my view of the subject, and I understand that Mr. Bell holds this opinion. Do the democrats on this floor oppose this doctrine? We shall see before we get through with this discussion. But, sir, I have more democartic testimony to give against this "higher law" doctrine of territorial sovereignty, as advocated by Mr. Cass and Senator Douglass, and now very beautifully exemplified by the Governor (or late Governor of Utah.)

Let me read you what Senator Butler, a true and genuine Southern man, and a Democrat of the purest sart, thought of this doctrine. Mr. Butler said: "Sir, I was going on to speak of the people having a right, independantly of the Constitution, by which even Congress derives its power, to make whatever laws they please for themselves. This is, indeed, a new idea. The principle which pervades all legislation upon this subject is, that a Territorial Legislature is given by Congress, subject to all the limitations imposed by Congress, and it has no powers except those which are given to it by Congress. In other words, it has power to legislate upon those subjects only which are specified in the grant. This, I am aware is inconsistant with the broad notice that those squatters, the moment they put their feet on the soil, are freeholders, and are entitled to exercise all the privileges of citizens of a State."

How do you like this? These are the words of a democrat. Can you deny it? Where, I again ask, do you get this doctrine of *territorial* sovereignty? But, sir, I have more testimony against the democratic party yet. Let me now read you what Mr. King, the democrat for whom you all voted for Vice President, said about this novel and extraordinary doctrine.

Mr. King said: "I am opposed to giving to the Territorial Legislatures any power either to prohibit or introduce slavery. * * * * * I differ with the Senator from Illinois *in toto*. Sir, his argument is a free soil speech; it is the Wilmot proviso, so far as the argument goes.

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"Sir, I never did agree with my friend from Michigan in regard to what is supposed to be the construction of the Nicholson letter. I never did believe that a Territorial Legislature possessed any power whatever, but such as is delegated to it by the Congress of the United States. * * * Sir, what do you require of them." (The territories?) "That they shall pass no law that is not to be submitted to Congress for its approbation, leaving them strictly to the control of the Congress of the United States in every act that they may pass. And yet, gentlemen get up at this day and advocate on the floor of the Senate, the monstrous doctrine that these Territoral Legislatures, consisting of a mere handful of men, should make laws to affect every description of property."

Now, sir, I will give you the testimony of a giant —none of your "little giants;" but of a man who was *indeed* a giant—a man—a northern man, who stood above all other men, as an expounder of the Constitution. I allude to Mr. Webster. He said, on the subject of territorial power to legislate on slavery. "But the whole question in this case, I un-

derstand to be just this: Whether the establishment or exclusion of slavery shall be left to the people of the territories to decide when they come to form a State government. Now it is agreed on all hands that it (slavery) is a matter of municipal law. We know that if slavery were introduced into the territories, the moment the people formed a State government they could abolish it. On the other hand, if it were prohibited, the moment they formed a State government they could introduce it, if they saw fit. Nevertheless, it is not upon that ground that I proceed, though I think it is a very proper ground. It conceive that the proper mode of proceeding is to leave this matter *to State Legislation, after the Territories shall have become States.*" Here, sir, is the true ground—the true doctrine for all men to advocate, and especially for us of the South. I endorse it most cordially. Does any democrat on this floor object to it? Here is the man who has been denounced again and again, by the democrats of the south, as an enemy to the south—as an abolitionist, and by every other name that could prejudice our people against him, advocating the only doctrine which can possibly save the south from being over run by free soilers in the trrritories. Do you oppose Mr. Bell because he holds this doctrine? Do you oppose it? Let us have no dodging—no evasion of the point—come up to the fight, and tell us whether you endorse this doctrine, or the "higher law," squatter savereign doctrine of Cass and Douglass.

Mr. Speaker: What a horrible state of things is existing in Utah at this time! It is all the legitimate result of this new fangled idea announced in the Kansas act that the inhabitants of a Territory have the right to legislate as they please. In olden times, and up to the passage of the Kansas bill, all the acts of the territorial legislatures had to be approved by Congresss before they became laws, but just as soon as you announced the new doctrine that a *Territory* was a sovereignty, why Utah set up for herself. We never had any trouble with Brigham Young nor his people in Utah while the old doctrine was practiced and Congress supervised their legislation, but as soon as you announced that a Territory was a sovereignty, why Brigham set up for himself, as he had the right to do under your declaration.

I ask, sir, is it not best in view of the character of the Territories which are now being organized, and which are to continue to be organized for a great many years to come,—I say, sir, is it not best that Congress should have the supervision of their territorial legislation? If you will think for a moment where they are situated, of what classes of human beings they are to be peopled, will you not conclude that it is safest for the purity of our goverment, and for the perpetuity of our institutions that Congress shall exercise its guardianship over them as it did in the days of Washington, Adams, Jefferson, Madison, Monroe, Jackson and Polk?

The laws enacted by Kansas were not required to be submitted to Congress for its approval, as the laws of Utah and New Mexico were, and therefore, in this respect, the Kansas act violated the Compromise of 1850.

The Kansas act violated the Compromise of 1850, in repealing the Missouri Compromise of 1820, as I have shown.

The Kansas act violated the Compromise of 1850 in permitting persons to vote who had only taken an oath to support the Constitution, and declared *their intention* of becoming citizens! The Compromise acts declared that none should vote but citizens, and those recognized as citizens by treaty stipulations.

I have now shown, Mr. Speaker, that instead of the Kansas act carrying out and establishing the principles of the Compromise of 1850, it has positively violated the Compromise—established new and dangerous principles, and which are well calculated to arouse the fears of every man who loves good government and has any respect for the fathers of our country.

Was Mr. Bell, then, under any obligation to voto for the Kansas bill, believing that it was a mischievous measure, and calculated to do harm? I say he was not. And may I not appeal to you, Sir, and every gentleman on this floor, if his predictions of the evils which would result from its passage, have not befallen the country in even a worse form than he predicted? You know they have; you all know it, and yet you call on him to resign, and say his countrymen have decided against him, when not one of you dare advocate *the principles* which he opposed.

What principle now—name it—*what principle* in the Kansas bill do you advocate which Mr. Bell opposed? Speak out. Ah, there is one, and what is it? Why, Mr. Bell was opposed to the repeal of the Compromise of 1820,—the Missouri restriction! Yes, and so were the men who made the Compromise of 1850, and so were all those old patriots and statesmen, who are now denominated by you as old fogies, and enemies of the South.

Well, but you say in your preamble, that "the principles of the Kansas act meet your unqualified approbation." Which one of them? I have examined all that are *peculiar* to the act, which do you approve? Territorial sovereignty? Alien suffrage? The principle for the inhabitants of a territory to legislate as they please? No matter who they are, or how many? Did you tell our people that you advocated these principles? Did you tell them that you opposed Mr. Bell because he was opposed to these principles? No sir, you did no such thing. Your whole cry was that Mr. Bell had affiliated with the Black Republicans, and was opposed to the Kansas bill, when neither you nor many of those to whom you talked, knew anything about the principles of the bill which were peculiar to it, and which Mr. Bell opposed.

Mr. Speaker: It would be a fortunate thing for the American people, if this Kansas act had never been passed. I believe, Sir, (and I speak for myself alone) that this celebrated Kansas Bill has been the cause of more mischief to our country—and will continue to be the source of more evil, more jealousy, and more sectionalism amongst our people, than all the acts of our Government beside. I believe, sir, that it was concieved in, sin; that it was shapened in iniquity, and that its tendency has been to evil, and that continually. Ever since its introduction into Congress, the national council has been the theatre of personal abuse, and sectional harangues. Ever since its passage, the political skies have been o'ercast with clouds of portentous

appearance, and anon, the thunder of disruption, disunion and civil war, have been heard in our borders.

Would that I could erase from the statute book that unfortunate act, or that some mighty physician would arise who could administer a lethean draught to the nation that it might forever *forget* that such an act was ever passed; or that we could summon from the spirit land a Clay and a Webster, to heal the dissentions of our people.

Mr. Speaker, was it not an unfortunate act. Has it settled anything? True, it has broken down the "restriction line of 36, 30"; and according to the decision of the Supreme Court, a man has a right to carry and hold his negroes in any territory belonging to the United States,—but did he not have this right before? Most assuredly he did, for the right as secured to him by the Constitution of the United States, as declared by the Federal Judiciary. The Kansas act then did not settle this question. But what did it do? It broke up and destroyed a compromise made by our fathers, which *was* made to heal the divisions of our people—which did heal them and which might have stood in all time to come, to the injury of no man on the face of the earth.

Mr. Speaker, I never advocated the justice of this "restriction clause." The *necessity* for such an act ought never to have existed. We were all one people—bound together by one common bond, and had one destination. But in an unguarded hour an evil spirit sprung up in our midst, and his fiendish yells fell on the ears of our sages "like a fire bell at night." It was then sir, when the fears of our fathers were aroused for the safety of the only citadel of human liberty on this green earth, that they in their wisdom and patriotism said: "That slavery nor voluntary servitude, except for crime, shall never exist north of 36 deg. 30', north latitude."

Well sir—There was but little in this declaration —practically, it amounted to nothing at all, if you please—for Mr. Clay is said to have laughed at the idea of how small a thing should have quieted the nation, and restored peace and good feeling. Small things sometimes produce mighty results. Confidence alone, will enable all the Banks in the nation to resume specie payment to-morrow, and confidence will enable them to continue just so long as they please, and yet *confidence* will not put one silver dollar more in their vaults! There is magic in the word.

But the restriction was *unconstitutional*, says one, and ought to have been removed! So also was the purchase of Louisiana; and the only difference between the two acts my be told in a few words—Mr. Jefferson knew when he purchased Louisiana, that he was doing an unconstitutional act; but the authors and supporters of the "restriction," did the actunwittingly. Mr. Jefferson was sustained, and is now sustained for doing an act which he believed to be unconstitutional, while the authors of the "restriction act" are condemned for doing what they believed they had the right to do!

Let the "restriction act of 1820" have been constitutional or unconstituonal—let it have been *per se*, right or wrong—and small in itself, and insignificant as it may have been, yet by its repeal we have melancholy exemplification (to use the language of one of our greatest statesmen) how small a share of human wisdom is necessary to destroy a nation's happiness. The meanest pigmy, clothed with authority, and armed with a sceptre, can, in a moment, destroy a nation's prosperity, which all the intellectual giants of the land cannot repair in a series of years.

That evil has grown out of the repeal of the act of 1820 is too true to admit of a doubt. None but those who are blind and deaf to the signs of the times, can but fear that the cloud which now lowers o'er the plains of Kansas may contain the thunder which will shake this Union to its centre, even if it should not break up its very foundations. To that unfortunate Territory, prematurely born, *peace* has been a stranger.

The very first appointment for Governor to Kansas was unhappy and impolitic. For the South had been taught by the southern democrats, who supported the Kansas-Nebraska bill, that under the provisions of the act, Nebraska *might* be a free state, but that Kansas *would* be a slave state. It is true that some Northern democrats said that the bill, "was a bill for freedom and that under its provisions not another inch of Slave territory would ever be added to the U. States;" but still, we knew that doctors would disagree; and some were so gullable as to believe that "Buck, Breck and *free* Kansas" meant nothing more than Buchanan for President—Breckenridge for Vice President, and Kansas to do as she pleases. Well, Mr. Speaker, Buchanan was elected President—Breckenridge, Vice President; but what became of Kansas?

I said that the first appointment for Governor was unhappy and impolitic. If Mr. Pierce, the then President, and his advisers, had desired any compromise between the North and South as to the partitioning of this immense Territory, why did he not appoint a slave holder Governor of Kansas, and a non-slave holder Governor of Nebraska? Strange to say, he appointed a *free-soiler* for Kansas, and a *slave holder* for Nebraska.

This act was one of the first to arouse my suspicion of the sincerity of the President towards the South. I always have believed that he acted in bad faith towards us, and if the appointments have been reversed a different state of things would have existed and Kansas *might* have been a slave State. But impolitic counsels prevailed—a free-soiler was appointed and from Reeder to Walker we have had free-soilers sent as Governors to Kansas, and nothing but discord, strife and civil war have prevailed.

All the evil consequences, worse even than anticipated by Mr. Bell, have resulted from the passago of the Kansas bill, and no mortal man can tell what may not yet happen before peace is restored to that unfortunate Territory.

Gentlemen say "that the principles of the Kansas bill meet their unqualified approbation." What principles? I have examined all that are peculiar to it and violative of the compromise of 1850, which one do they endorse that Mr. B. opposed? Come up now gentlemen, face the music! Tell us which one of the principles *peculiar* to the Kansas bills do you approve? Is it "territorial sovereignty?" No, because you told the people in the late canvass that there was no such principle in it, and if there was, you did not approve it.

Do you approve the principle, consequent upon this sovereignty, of permitting the territorial legislatures to legislate as they please independent of the supervision of Congress, as they were permitted to do in the Kansas act? and violative of the territorial acts for New Mexico and Utah, as per compromise 1850? You dare not say yes, because if you do, you stultify yourselves when you say "that the Kansas act carried out the principles of the compromise of 1850!

Do you advocate the right of persons to vote before they become citizens? If you do, you again violate the principle of the compromise of 1850, which permitted none but citizens to vote!

For what then do you condemn Mr. Bell, and why do you call on him to resign? Have you discussed those principles before the people? Have the people decided against Mr. Bell on any one of these principles? I say emphatically they have not and will not. Tis true, Democracy has triumphed in Tennessee—you have a majority here and you use it to expel Mr. Bell from the U. S. Senate; but I again declare it is not because of his opposition to the *principles peculiar* to the Kansas bill.

The Kansas bill is a heterogeneous mixture of crude and novel principles unheard of, or not advocated before in any territorial bill since the organization of our government, and like the democratic platform, to which the gentleman alluded, was made up of all sorts of ingredients to delude and charm the people both North and South. They remind me of the charmed pot in Macbeth, and having alluded to the simile before my people, I will here repeat it. The weired sisters were engaged in making a charm, and you recollect, Mr. Speaker, that terrible were the ingredients which they put in it. Let me recite those put in by the second witch, calling them over as she deposited them in the boiling cauldron—

> "Fillet of a fenny snake,
> In the cauldron boil and bake.
> Eye of newt and toe of frog—
> Wool of bat and tongue of dog;
> Adder's fork and blind worm's sting—
> Lizzard's leg and owlet's wing,
> Form a charm of powerful trouble;
> In the cauldron boil and bubble."

When the three sing:

> Black spirits and white,
> Red spirits and gray,
> Mingle, mingle, mingle,
> You that mingle, may."

Yes, sir, and they did mingle, and *such* a mingling was never witnessed before, as when this Cincinnati platform was adopted.

A word now, Mr. Speaker, as to Mr. Bell, and I shall conclude.

Mr. Bell is the oldest public servant now alive in Tennessee; I mean he has been in public life longer than any other man in Tennessee.

He was born in this (Davidson) county, and commenced the practice of law at a very early age in the adjoining county of Williamson.

In the year 1817, he was elected by the managers of a fourth of July celebration to deliver an oration, which he did, and before he left the ground he was nominated by public acclaim as a candidate to represent the county in the Senatorial branch of the General Assembly, which was to convene in the city of Knoxville on the 3rd Monday of Sept. following. And although Mr. Bell had only one month to canvass, and had also an opponent already in the field—a gentleman of tried abilities and high qualifications, yet he was elected by a handsome vote, and some say even before he was constitutionally elligible.

He served the session, returned to middle Tennessee—married, in my county, the daughter of a most excellent and worthy gentleman, and settled soon afterwards in Nashville to pursue the practice of the law, which he did, until the summer of 1827, when he made the memorable canvass for Congress against a man who was considered the ablest and shrewdest politician in the State—I allude to the Hon. Felix Grundy. It was indeed an exciting and able canvass. They canvassed the district, then composed of the counties of Davidson, Williamson and Rutherford. and every where the people rushed in crowds to hear the disputants. I shall never forget the scene in my county town, Murfreesboro. The people were wild with anxiety to hear, and a vast multitude convened, a thing then unusual, and unknown in our country.

I was but a school boy, and I recollect that many of us left and went to hear the young man meet the champion of many battles. It was the first political speech I ever heard, and I shall never forget the appearance of Mr. Bell on that occasion. As was perfectly natural, Mr. Bell being much the younger man, he had our sympathies. We rejoiced at the result of the debate, and all—every one, I think, left Bell men.

He continued to represent the people in Congress after the district was changed, and was once elected Speaker of the House of Representatives.

In 1840, he received the appointment of Secretary of war in Gen. Harrison's cabinet, and in 1842 resigned, having filled the office with distinguished ability and to the entire satisfaction of his friends.

He remained in private life until 1847, when he was elected by an overwhelmning majoriiy to represent the county of Davidson in the popular branch of the General Assembly, and during the session I had the pleasure of helping to elect him a Senator to the Congress of the United States.

In 1853 he was re-elected, and his term of office expires, by the Constitution, on the 4th of March, 1859.

And now, Mr. Speaker, here is a man who commenced public life *forty years ago*—who has spent the vigor of his manhood, and almost the whole of his life in the service of his country, and greatly too, as every public man knows, to his own private injury—who has now grown old in maintaining the character and dignity of Tennessee in the councils of the nation—whose term of service will expire, at furthest, in a little more than one year from this time. I say, sir, this man who stands now almost as the only link, if not the *only* one, which connects us of the present day to the heroes of the Revolution, and to the fathers of our glorious Constitution, is to be driven from the Senate, even before his time, by the party, calling itself Democratic! Well, sir, I have no favors to ask of you for Mr. Bell. Strike him down. We defy you; But remember, we shall take an appeal to the people of Tennessee.

Many of you hope that he will disobey your mandate—I know not. You succeeded once before in driving from the Senate that old patriot and statesman, Hugh L. White, and the people of Tennessee emptied the vials of their wrath on your heads for such an outrageous act. *It may be so again.*

But, Mr. Speaker, who is to succeed him? Where is your man to fill his place in the Senate? You may strike him down, but who is to fill the seat which he has occupied with such distinguished ability? Whom have you got that can stand as conservator of the peace in these perilous times? Who, of all your men, can stand in *his* place in the Senate, and command the respect and confidence of the conflicting sections now at work for the destruction of our Union? You have not got the man—he does not belong to your party—you may select, and doubtless will select some one to succeed him, but I imagine his successor, when he comes to occupy the seat which Mr. Bell has filled with so much credit to himself and honor to his country, will feel very much like Martin Van Buren looked when he was dressed in Gen. Jackson's regimental and commanded to walk in the footsteps of his illustrious predecessor.

NOTE.—It is proper to remark that during the delivery of this speech, the speaker was frequently interrupted by interrogations from various gentlemen which caused many digresions from the course which he had chalked out for himself. This will explain to those who heard the speech the impossibility of writing it out, *precisely* as it was delivered. Which therefore some points, which the speaker regrets are necessarily omitted because of his indistinct recollection of them in a running debate, yet the views of the speaker on all the points pertaining to the subject under debate, are as fully written out as he is able to do, and in accordance with the *notes* which he had prepared for the occasion, some of which were also omitted for want of time.